



# DAVE YOST

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April 1, 2019

*Via regular U.S. Mail and E-mail*

Donald McTigue  
McTigue & Colombo LLC  
545 East Town St.  
Columbus, Ohio 43215  
dmctigue@electionlawgroup.com

Re: Submitted Petition for Initiated Constitutional Amendment to Add Article XX, Section 1 to the Ohio Constitution—"The Presidential Election Popular Vote Amendment Petition B"

Dear Mr. McTigue,

On March 21, 2019, in accordance with the provisions of the Ohio Revised Code ("ORC") Section 3519.01(A), I received a written petition containing (1) a copy of a proposed constitutional amendment to add Article XX, Section 1 to the Ohio Constitution, and (2) a summary of the same measure. One of my statutory duties as Attorney General is to send all of the part-petitions to the appropriate county boards of elections for signature verification. With all of the county boards of elections reporting back, at least 1,000 signatures have been verified.

It is my statutory duty to determine whether the submitted summary is a "fair and truthful statement of the proposed law or constitutional amendment." ORC Section 3519.01(A). If I conclude that the summary is fair and truthful, I am to certify it as such within ten days of receipt of the petition. In this instance, the tenth day falls on Sunday, March 31, 2019. Therefore, my determination is due Monday, April 1, 2019.

The Ohio Supreme Court has defined "summary" relative to an initiated petition as "a short, concise summing up," which properly advises potential signers of a proposed measure's character and purport. *State ex rel. Hubbell v. Bettman*, 124 Ohio St. 24 (1931). After reviewing the submission, I have concluded that I am unable to certify your summary as a fair and truthful representation of the proposed amendment.

Unlike the summary accompanying the Presidential Election Popular Vote Amendment Petition A, this summary does not fairly and accurately inform potential signers of the proposal's content. The summary states that the amendment will, in part, "[r]equire the General Assembly, within sixty days of the Amendment's adoption, [to] take all necessary legislative action so that the winner of the national popular vote is elected President." But, the summary fails to advise potential signers that the new change in the law may require Ohio's presidential electors to vote for the presidential candidate who wins the national popular vote, but not Ohio's popular vote.

Don McTigue

Re: "The Presidential Election Popular Vote Amendment Summary Petition B"

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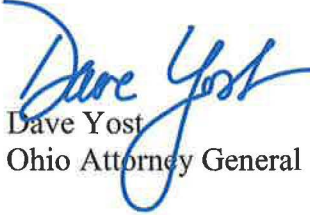
April 1, 2019

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Because this omission materially impacts Ohio's election law, it should be included in the summary to advise potential signers of the content of the proposed amendment.

For this reason, I am unable to certify the summary as a fair and truthful statement of the proposed amendment.

Very respectfully yours,



Dave Yost  
Ohio Attorney General